

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	Case No.:
v.)	
)	Judge
)	
DRQ ENTERPRISES, INC.)	Magistrate Judge
an Illinois corporation not in good standing)	
)	
Defendant.)	

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, LLP complain against Defendant, DRQ ENTERPRISES, INC., an Illinois corporation not in good standing, as follows:

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered.

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to trust agreements and are funded through employer contributions required by collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in this judicial district in accordance with and pursuant to the provisions of ERISA, the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) DRQ ENTERPRISES, INC., an Illinois corporation not in good standing, from April 1, 2016 through the present, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by its employees.

(b) DRQ ENTERPRISES, INC., maintains its principal place of business at Joliet, Illinois.

(c) DRQ ENTERPRISES, INC., is an employer engaged in an industry affecting commerce.

4. Effective July 14, 2015 DRQ ENTERPRISES, INC., entered into an Area Construction Agreement with Teamsters 179, as confirmed with the Local, which bound it to the terms stated in the then current Area Construction Agreement, effective for the period April 1, 2016 through June 30, 2021 which required contributions to the Funds pursuant to 29 U.S.C. 1145 (Exhibit A). DRQ ENTERPRISES, INC., has not sent a notice of termination.

5. Pursuant to the collective bargaining agreements between DRQ ENTERPRISES, INC., and the Union, DRQ ENTERPRISES, INC., failed and continues to fail to make its obligated contributions to the Fund for the period April 1, 2016 through June 30, 2021 as disclosed in an audit conducted on December 1, 2022 (Exhibit B).

6. The audit disclosed \$7,125.93 due the Welfare Fund and \$10,549.10 due the Pension Fund for a total of \$17,675.03.

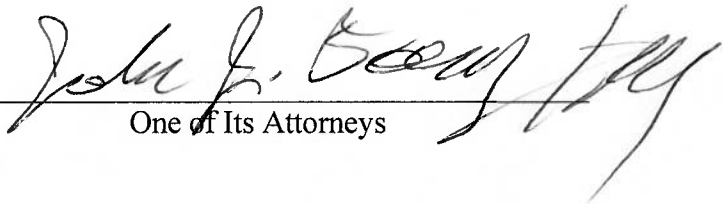
WHEREFORE, Plaintiffs pray:

A. This court enter judgment in favor of the Plaintiffs and against DRQ ENTERPRISES, INC., an Illinois corporation not in good standing in the amount of the audit, \$17,675.03.

B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and as required by the relevant collective bargaining agreements and trust agreements creating the Welfare and Pension Funds.

C. That the Court grant such further relief as it deems just and proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: 
One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN, LLP
35 E. Wacker Drive
Suite 600
Chicago, Illinois 60601
(312) 236-0415

EXHIBIT A

DRG Enterprises
004027844

AREA CONSTRUCTION AGREEMENT

between

**CONTRACTORS ASSOCIATION OF WILL AND
GRUNDY COUNTIES**

and

TEAMSTERS LOCAL UNION NO. 179

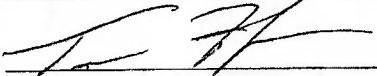
Affiliated with the I.B. of T.



Effective June 1, 2012 through May 31, 2017

SIGNATURE PAGE FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL UNION NO. 179:

BY: 

TITLE: President

DATE: 7/15/15

FOR THE EMPLOYER:

COMPANY NAME: DRQ enterprises inc

ADDRESS: 814 meadow ave

Rockdale IL 60436
City State Zip

PHONE: 815-405-3837 FAX: _____

EMAIL: _____

PRINT NAME: Daniel R. Quagliano

SIGNATURE: Daniel R. Quagliano

TITLE: President

DATE: 7-14-15

EXHIBIT B

Employer Name: DRQ Enterprises, Inc.
Address: 1716 TOMICH CT. UNIT B. CREST HILL, IL 60403

ER# 5125
LOCAL: 179

Phone: 815-405-3837
Contact: Dan Quagliano

Audit Date: 12/01/2022

Period Covered: April 1, 2016 through June 30, 2021

Error Code Descriptions

A) Assumed full weeks worked for April through November for 2016-2018

Name	Soc Sec No	Error Code	Work Month	Welfare Weeks/Hrs	Pension Weeks/Hrs	Weekly/Hrly Welfare Rate	Weekly Pension Rate	Amount Due Welfare	Amount Due Pension	Employer Number
Quagliano Daniel R	XXX-XX-5361	A	Apr-16	3.00	3.25	\$ 334.00	\$ 278.85	\$ 1,002.00	\$ 906.26	5125
Quagliano Daniel R	XXX-XX-5361	A	May-16	1.00	1.00	\$ 334.00	\$ 278.85	\$ 334.00	\$ 278.85	5125
Quagliano Daniel R	XXX-XX-5361	A	Jun-16		0.50	\$ 334.00	\$ 318.85	\$ -	\$ 159.43	5125
Quagliano Daniel R	XXX-XX-5361	A	Jul-16	1.00	1.25	\$ 334.00	\$ 318.85	\$ 334.00	\$ 398.56	5125
Quagliano Daniel R	XXX-XX-5361	A	Aug-16		0.50	\$ 334.00	\$ 318.85	\$ -	\$ 159.43	5125
Quagliano Daniel R	XXX-XX-5361	A	Oct-16		0.75	\$ 334.00	\$ 318.85	\$ -	\$ 239.14	5125
Quagliano Daniel R	XXX-XX-5361	A	Nov-16		0.75	\$ 334.00	\$ 318.85	\$ -	\$ 239.14	5125
Quagliano Daniel R	XXX-XX-5361	A	Apr-17	5.00	5.00	\$ 334.00	\$ 318.85	\$ 1,670.00	\$ 1,594.25	5125
Quagliano Daniel R	XXX-XX-5361	A	May-17	1.00	1.00	\$ 334.00	\$ 318.85	\$ 334.00	\$ 318.85	5125
Quagliano Daniel R	XXX-XX-5361	A	Jul-17		0.75	\$ 354.00	\$ 338.85	\$ -	\$ 254.14	5125
Quagliano Daniel R	XXX-XX-5361	A	Sep-17		0.25	\$ 354.00	\$ 338.85	\$ -	\$ 84.71	5125
Quagliano Daniel R	XXX-XX-5361	A	Nov-17	3.00	3.00	\$ 354.00	\$ 338.85	\$ 1,062.00	\$ 1,016.55	5125
Quagliano Daniel R	XXX-XX-5361	A	Apr-18	1.00	2.00	\$ 354.00	\$ 338.85	\$ 354.00	\$ 677.70	5125
Quagliano Daniel R	XXX-XX-5361	A	May-18		0.50	\$ 354.00	\$ 338.85	\$ -	\$ 189.43	5125
Quagliano Daniel R	XXX-XX-5361	A	Jun-18		0.50	\$ 370.00	\$ 366.85	\$ -	\$ 183.43	5125
Quagliano Daniel R	XXX-XX-5361	A	Aug-18		0.25	\$ 370.00	\$ 366.85	\$ -	\$ 91.71	5125
Quagliano Daniel R	XXX-XX-5361	A	Sep-18		1.00	\$ 370.00	\$ 366.85	\$ -	\$ 366.85	5125
Quagliano Daniel R	XXX-XX-5361	A	Nov-18		0.75	\$ 370.00	\$ 366.85	\$ -	\$ 275.14	5125
Total UNPAID Contributions:								\$ 5,096.00	\$ 7,413.55	

Liquidated Damages 10% UNPAID (Contributions over 1 mo. Late): \$ 509.00 \$ 741.36

Late Payment Interest .5% per mo. on UNPAID Contributions:

Work Month	Amount Due Welfare	% Int.	Int. Due Welfare	Amount Due Pension	% Int.	Int. Due Pension
Apr-16	\$ 1,002.00	40.50%	\$ 405.81	\$ 906.26	40.50%	\$ 367.04
May-16	\$ 334.00	40.00%	\$ 133.60	\$ 278.85	40.00%	\$ 111.54
Jun-16	\$ -	39.50%	\$ -	\$ 159.43	39.50%	\$ 62.97
Jul-16	\$ 334.00	39.00%	\$ 130.25	\$ 398.56	39.00%	\$ 155.44
Aug-16	\$ -	38.50%	\$ -	\$ 159.43	38.50%	\$ 61.38
Oct-16	\$ -	37.50%	\$ -	\$ 239.14	37.50%	\$ 89.68
Nov-16	\$ -	37.00%	\$ -	\$ 239.14	37.00%	\$ 88.48
Apr-17	\$ 1,670.00	34.50%	\$ 576.15	\$ 1,594.25	34.50%	\$ 550.02
May-17	\$ 334.00	34.00%	\$ 113.56	\$ 318.85	34.00%	\$ 108.41
Jul-17	\$ -	33.00%	\$ -	\$ 254.14	33.00%	\$ 83.87
Sep-17	\$ -	32.00%	\$ -	\$ 84.71	32.00%	\$ 27.11
Nov-17	\$ 1,062.00	31.00%	\$ 329.22	\$ 1,016.55	31.00%	\$ 315.13
Apr-18	\$ 354.00	28.50%	\$ 100.89	\$ 677.70	28.50%	\$ 193.14
May-18	\$ -	28.00%	\$ -	\$ 189.43	28.00%	\$ 47.44
Jun-18	\$ -	27.50%	\$ -	\$ 183.43	27.50%	\$ 50.44
Aug-18	\$ -	26.50%	\$ -	\$ 91.71	26.50%	\$ 24.30
Sep-18	\$ -	26.00%	\$ -	\$ 366.85	26.00%	\$ 95.38
Nov-18	\$ -	25.00%	\$ -	\$ 275.14	25.00%	\$ 68.78

Total Late Payment Interest Unpaid Contributions: \$ 1,789.49 \$ 2,500.55

Total Due Unpaid Contributions + Liq. Damages + Late Interest: \$ 7,388.49 \$ 10,655.46

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Employer Name: DRQ Enterprises, Inc.
Address: 1716 TOMICH CT. UNIT B, CREST HILL, IL 60403

ER# 5125
LOCAL: 179

Phone: 815-405-3837
Contact: Dan Quagliano

Audit Date: 12/01/2022

Period Covered: April 1, 2016 through June 30, 2021

Error Code Descriptions

A) Assumed full weeks worked for April through November for 2016-2018

Paid Contributions Discrepancies

Oct-17 Overpaid Welfare and Pension
Jun-21 Rate Increase
Jul-22 Underpaid Pension

	WELFARE	PENSION
Oct-17 Overpaid Welfare and Pension	\$ (354.00)	\$ (254.13)
Jun-21 Rate Increase	\$ 30.00	\$ 74.98
Jul-22 Underpaid Pension	\$ -	\$ 8.36

Paid Contributions Interest and Liquidated Damages
See Attachment

	WELFARE	PENSION
Paid Contributions Interest and Liquidated Damages	\$ 61.44	\$ 64.43

Total Due on Paid Contributions:	\$ (282.56)	\$ (108.36)
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TOTAL AMOUNT DUE ER # 5125	\$ 7,125.93	\$ 10,549.10
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